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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,419	03/20/2006	Gianfranco Passoni	TRSCWE P01AUS	1171

20210 7590 08/18/2011  
DAVIS & BUJOLD, P.L.L.C.  
112 PLEASANT STREET  
CONCORD, NH 03301

EXAMINER
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PARADISO, JOHN ROGER

ART UNIT	PAPER NUMBER
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3721

MAIL DATE	DELIVERY MODE
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08/18/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/572,419	PASSONI, GIANFRANCO	
	<b>Examiner</b>	<b>Art Unit</b>	
	John Paradiso	3721	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 5) ☒ Claim(s) 49-51 and 53-69 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 49-51 and 53-69 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____.                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Request for Continued Examination***

1. The request filed on 7/27/2010 for a Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 10/572419 is acceptable and a CPA has been established. An action on the CPA is attached.

### ***Response to Amendments***

2. On page 8 of his Response, Applicant requests a telephone interview. Applicant is invited at his earliest convenience to call the Examiner at (571) 272-4466 to schedule an interview.

### ***Claim Rejections***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 49-51 and 53-69 are rejected under 35 U.S.C. § 103(a) as being unpatentable over FOSTER ET AL (US 4813209) in view of BELEC ET AL (US 5447015) and BUTTON ET AL (US 6199348) and BAUMANN ET AL (US 6036185).

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FOSTER ET AL discloses a method and apparatus for feeding envelopes. Envelopes are grabbed by a rotating cam (60e), pulled off the cam and rotating drum (52c) and redirected off the rotating drum by means of a stripper bar (96) (see Fig. 5), and conveyed to a filling station.

FOSTER ET AL does not disclose the envelopes having items inserted therein. Miller also does not disclose the drum having suction, nor does it disclose an air stream used to open the envelopes.

BELEC ET AL discloses a method and apparatus for packing envelopes in which envelopes are carried by a vacuum drum (30) with frictional coatings and vacuum apertures. (see Fig 1 and column 3:60-4:25). The envelopes are pulled from the drum by an oscillating suction gripper. The envelopes are filled at an envelope inserting station (10).

BUTTON ET AL discloses a method and apparatus for packing envelopes in which a flap opening means (28) opens the flap in preparation of inserting items into the envelop by dispensing a compressed air stream to open it (see Fig. 3A and column 7:27-39). An envelope packing assembly is disclosed (see Fig. 7A-7D and column 15:66 - 16:56) in which items are guided into the open envelopes.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of FOSTER ET AL by adding an insertion station, as taught by BELEC ET AL, in order to provide greater utility for the invention. It would also have been obvious to one of ordinary skill in the art at the time the invention was made to by making the pickup drum a suction-assisted drum, as taught by BELEC ET AL, in order to more positively control the envelopes during the process.

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It would further have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of FOSTER ET AL and BUTTON ET AL by adding an air stream, as taught by BUTTON ET AL, in order to more quickly and completely open the envelopes and to provide them to the control drum in an open and ready-to-fill state.

The combination of FOSTER ET AL and BELEC ET AL and BUTTON ET AL does not specifically disclose the envelopes being stored so that the closing flaps are adjacent the control drum.

BAUMANN ET AL discloses a method and apparatus for inserting items into envelopes. Fig. 2 shows the closing flaps of the envelopes (5) stored so as to directly abut a back surface of the envelope and adjacent the control drum.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of FOSTER ET AL and BELEC ET AL and BUTTON ET AL by storing the envelopes so as to directly abut a back surface of the envelope and adjacent the control drum, as taught by BAUMANN ET AL, in order to provide for differently formatted or printed envelopes.

***Response to Arguments***

5. Applicant's arguments filed 7/27/2010 have been fully considered but are considered moot in view of the new grounds of rejection above.

6. Applicant is reminded that during patent examination of the claims, the pending claims must be given their broadest reasonable interpretation consistent with the specification. *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005). *See also* MPEP § 2111. Moreover, while the claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, *this is not the mode of claim interpretation to be applied during examination*. During examination, the claims must be interpreted as broadly as their terms reasonably allow. *In re Am. Acad. of Sci. Tech Ctr.*, 367 F.3d 1359, 1369, 70 USPQ2d 1827, 1834 (Fed. Cir. 2004). *See also* MPEP § 2111.01.

***Reference Citations***

7. The following prior art made of record and not relied upon is considered pertinent to Applicant's disclosure:

- BAUMANN ET AL discloses a method and apparatus for feeding envelopes including a stripper bar that is in contact with a drum (see Fig. 6).
- ANDERSON discloses a method and apparatus for treating fibers rotated by a drum and conditioned by a stripper bar (41) that makes contact therewith (see Fig. 2).

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***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Paradiso. The examiner can normally be reached Monday-Friday, 9:30 p.m. – 6:00 p.m. (ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada, can be reached at the number listed below.

Any inquiry of a general nature or relating to the status of this application should be directed to the 3700 Technology Center Receptionist.

/John R Paradiso/

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Examiner John Paradiso: (571) 272-4466

August 15, 2011

Additional Phone Numbers:

Supervisor Rinaldi Rada: (571) 272-4467

Fax (Official): (571) 273-8300

Fax (Direct to Examiner) (571) 273-4466 (Drafts only)